The Places of Public Resort Regulation Amendment Bill.

Mr. Thomas Manjuran:—Sir, I rise to move that the Bill to amend the Places of Public Resort Regulation, X of 1097, may be taken up and passed.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

The Cochin Penal Code Amendment Bill.

Mr. Thomas Manjuran.—Sir, I rise to move that the Bill to amend the Cochin Penal Code may be taken up and passed.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

The Cochin Municipal Regulation Amendment Bill.

Mr. Thomas Manjuran.—Sir, I rise to move that the Cochin Municipal Regulation Amendment Bill be read in Council.

Mr. C. J. Mathew.—I second it.

Mr. Thomas Manjuran.—In making this motion I may just say a few words to show what exactly is meant by this Bill. The subject matter of the liability or otherwise of motor buses possessing G. permits being liable to pay tolls at the Municipal Toll Gates, came before the Chief Court recently and it was held by that Court that in certain conditions it was not necessary for such vehicles to pay tolls, for, the Municipality was bound to issue licenses to them and that when once such licences had been issued the Municipality has no right to collect tolls. It would appear that all along or at any rate for several years the practice has been for Municipalities to collect such tolls as the auction sale of the toll gates has been proceeding on that busines. Unless something is done, the Municipalities have pointed out that they would suffer very badly. I understand that there are certain Municipalities in the State getting large amounts from tolls and in some cases it constitutes a bulk of the income in the Municipalities. Now that being so and since the practice has been to collect tolls, Government thought that the unanimous request of the Municipalities should be heeded to. Hence this Bill. It seeks to lay down that in cases

LIBRARY ARCHIVES Kerala Legislative Assembly

where the Municipalities have decided to levy taxes on carriages and animals under section 50 of the Municipal Regulation, vehicles giving G permits shall not come within the ambit of that section. It may require a little more explanation to make the matter clear. Section 50 should be read along with section 55 of the Regulation which says that "if the Council decides that tolls shall be levied on vehicles and animals entering the Municipality such tolls shall be levied at the rates specified in Schedule IV: Provided that no toll shall be leviable on any vehicle or animal licensed or registered by the Municipal Council, etc." Now supposing a motor bus operating under the G. Permit was licensed by the Municipality under clause (a) of section 55, as now interpreted, automatically that vehicle will go out of the class of vehicles that are to pay tolls. According to the decision, as it now stands, in the case of motor buses operating under G. permits, if licenses have been issued in connection with them, they will be automatically exempt from the operation of section 55 of the Municipal Regulation, namely, they will not have to pay the tolls. The question is how it will operate with regard to the revenues of the Municipalities. No doubt in the case of private cars if a license is issued no tolls are paid. Consistently with that in the absence of any other consideration it may be thought that with regard to buses the same result should happen. But the Municipalities say that it should not be the case because their income is based mainly upon the tolls from buses. They want to make a distinction between ordinary motor cars and motor vehicles operating under the G. permits. G. permit is a permit issued to cover the cases of motor buses, cars and taxies running for hire, and not for bonafide private use. With regard to the public or semi-public vehicles the Municipalities claim that all along the practice has been to collect tolls and that that practice should not be continued. The difficulty brought about has to be got over by legislation. This amendment seeks to make a distinction between cars used for bonafide private use and other vehicles kept for hire.

Mr. S. S. Koder.—What is the practice in British India?

Mr. Thomas Manjuran.—In British India there are no tolls. They issue only licenses.

Dr. A. R. Menon.—May I draw the attention of the Government Advocate to the fact that the usual practice has been not to include motor taxies along with motor buses.

Mr. Thomas Manjuran.—Motor cars also ply for hire. I think there are some Honourable Members who want to

LIBRARY ARCHIVES Kerala Legislative Assembly

thresh out the whole matter and to give the bill a very detailed consideration. I therefore shall propose to refer the bill to a Select Committee. This is only the introduction stage and therefore we need not go into the merits of the question now.

Mr. Joseph Pettah.—Shall I presume that the whole thing comes to this that the motor cars and buses plying for hire even if there is a license will be liable according to this amendment to pay tolls?

Mr. Thomas Manjuran.—According to this amendment they won't be given a license. They will not have to invest money on account of license fee. They will be exempt from that but they will have to pay tolls.

Dr. A. R. Menon.—The present practice is, whether motor cars are possessing G. permits or not, they are given licenses. The difficulty arises in connection with motor buses.

Mr. Thomas Manjuran.—The G. permit is altogether a different thing and a number of vehicles come under the G. permits.

Mr. P. Kumaran Ezhuthassan.—Will the Hon'ble the Law Member read section 55?

Mr. Thomas Manjuran.—"If the Council decides that tolls shall be levied on vehicles and animals entering the Municipality, such tolls shall be levied at the rates specified in schedule IV. Provided that no toll shall be leviable on any vehicle or animal licensed or registered by the Council". If sections 50 and 55 are read together it will make the matter clear.

Mr. Joseph Pettah.—If the principle is the same with regard to motor cars and motor buses and if tolls are to be collected from buses, naturally they have to be collected from cars plying for hire.

Mr. Thomas Manjuran.—It is a matter about which the Hon'ble Member for Cheruthuruthy just now said that the practice is otherwise.

Dr. A. R. Menon.—I have only pointed out the existing practice.

Mr. Thomas Manjuran.—Whether any modification is necessary and such other questions may be considered by the Select Committee to which this Bill is going to be referred. I move that the Bill be read in Council.

Motion put and carried.

Mr. C. J. Mathew.—The title of the Bill is, "The Cochin Municipal Regulation Amendment Bill".

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Thomas Manjuran.—I beg to move that a Select Committee consisting of the following Hon'ble Members may be requested to report on the Bill.

(1) Mr. M. Krishna Menon, (2) Mr. P. Krishna Menon,
(3) Dr. A. R. Menon, (4) Mr. A. Eachara Menon,
(5) Mr. Joseph Pettah, (6) Mr. P. C. Varkey,
(7) Mr. T. K. Nayar, (8) Mr. P. Neelakanta Menon,
and (9) The Government Advocate.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

President.—The Committee is to report within a month and the Government Advocate and Law Officer will be the Chairman of the Committee.

The Criminal Procedure Code Amendment Bill.

Mr. Thomas Manjuran.—Sir, I rise to move that the Bill to amend the Code of Criminal Procedure be read in Council. I may explain the object of this Bill which certainly cannot be considered to be a controversial one. Under the existing section 171 of the Code of Criminal Procedure the Additional Sessions Judge shall try such cases only as the Government may by general or special order direct him to buy. The amendment is introduced with the object of conferring on the Chief Court also the power of transferring cases to additional Sessions Judges. The power as it exists now rests only with the Government to transfer cases to the additional Sessions Judges. It has been brought to the notice of the Government that the Chief Court also should be given such power. I may also bring to the Notice of the Hon'ble Members that in the corresponding section of the British Code of Criminal Procedure the powers rest both with the Government and with the Sessions Judges. Here the only difference made is instead of the Sessions Judges the power is conferred on the Chief Court. I therefore move that the Bill be read in Council.

Mr. C. J. Mathew.—I second it.

Mr. A. Sivarama Menon.—May I know the corresponding British section?

Mr. Thomas Manjuran.—Section 193 (2). It reads thus:- "Additional Sessions Judges and Assistant Sessions Judges shall try such cases only as the Local Government by general or special order may direct them to try, or as the Sessions

LIBRARY ARCHIVES Kerala Legislative Assembly